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Date: June 22, 2005

To: Office of Petitions

Organization: U.S. Patent & Trademark Office
Alexandria, Virginia

Fax: 571/273-8300

From: Brenda Brantley

Organization: NREL

Fax: 303/384-7499

Total Pages: 8 (including cover sheet)

For Questions Call: 303/384-7572

Remarks: ATTACHED:

Petition to Revival of an Application for Patent Abandoned Unintentionally

Re:
SN 09/748,690
Filed: 12/22/2000
Inventors: Anastasios Melis et al.
Title: Hydrogen Production Using Hydrogenase-Containing Oxygenic Photosynthetic Organisms

JUN 22 2005

PTO/SB/84 (09-04)

Approved for use through 07/31/2006. OMB 0851-0031
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

First named inventor: Anastasios Melis

Application No.: 09/748,690

Art Unit: 1651

Filed: December 22, 2000

Examiner: Atemova, Vera

Title: Hydrogen Production Using Hydrogenase-Containing Oxygenic Photosynthetic Organisms

Attention: Office of Petitions

06/24/2005 MBERHE1 00000166 140460 09748690

Mail Stop Petition

Commissioner for Patents

04 FC:2453

750.00 DA

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (703) 872-9306

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee☒ Small entity-fee \$ 750.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m)).**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in the form of _____ (identify type of reply):

- ☐ has been filed previously on _____.
- ☐ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ 1000.00.

- ☐ has been paid previously on _____.
- ☒ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 10 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/64 (06-04)

Approved for use through 07/31/2008. OMB 0651-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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3. Terminal disclaimer with disclaimer fee

☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Paul J. White
Signature

6/22/05
Date

PAUL J. WHITE
Typed or printed name

30,436
Registration Number, if applicable

NATIONAL RENEWABLE ENERGY LABORATORY
Address

303-384-7575
Telephone Number

1617 COLE BLVD., GOLDEN, CO. 80401
Address

Enclosures: ☒ Fee Payment☐ Reply☐ Terminal Disclaimer Form☐ Additional sheets containing statements establishing unintentional delay☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.☒ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (703) 872-9306. (571) 273-8300.

6/22/05
Date

Paul J. White
Signature

PAUL J. WHITE
Typed or printed name of person signing certificate

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Inventor(s): Anastasios Melis et al.)
Serial No.: 09/748,690) Art Unit: 1651
Filing Date: December 22, 2000) Examiner: Afremova, Vera
Title: Hydrogen Production Hydrogenase-)
Containing Oxygenic Photo-)
synthesis Organisms)
Any Dkt No.: NREL 99-29

**PETITION TO ACCEPT LATE PAYMENT
OF ISSUE FEE UNDER 37 C.F.R. § 1.316(c)**

To: Commissioner for Patents
U.S. Patent & Trademark Office
Box 1450
MS - Petitions
Alexandria, VA 22313-1450

Sirs:

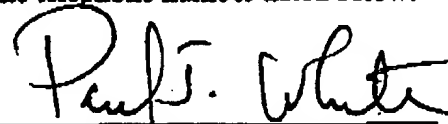
The Applicants in the above-identified application hereby petition the Deputy Assistant Commissioner under 37 C.F.R. § 1.316(c) for acceptance of the payment of the issue fee. The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR § 1.137(b) was unintentional. The following items are enclosed:

1. Statement of Unintentional Delay of Issue Fee Payment;
2. Request for Correction of Inventor's Name, and
3. Issue Transmittal Sheet

Petition to Accept Late Payment
SN 09/748,690
Page 2

WHEREFORE, Applicants request the Deputy Assistant Commissioner to grant this Petition and to accept the delayed payment of the issue and publication fees. If any other issues remain to be resolved, please contact Applicants' attorney at the telephone number listed below.

Dated: June 22, 2005.



Paul J. White, Reg. No. 30,436
Attorney for Applicants

National Renewable Energy Laboratory
1617 Cole Boulevard
Golden, CO 80401
303/384-7575

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s):	Anastasios Melis et al.)
)
Serial No.:	09/748,690) Art Unit: 1651
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Filing Date:	December 22, 2000) Examiner: Afremova, Vera
)
Title:	Hydrogen Production Hydrogenase- Containing Oxygenic Photosynthesis Organisms)
) Atty. Dkt. No.: NREL 99-29
)

STATEMENT OF UNINTENTIONAL DELAY OF ISSUE FEE PAYMENT

Applicants in the above-identified patent application hereby states that failure to pay the issue fee was unintentional. Applicants assure the Deputy Assistant Commissioner that failure to act was not deliberate or on purpose.

Applicants received a Notice of Allowance and Issue Fee Due for the amount of \$700.00 and Publication Fee of \$300.00, dated February 22, 2005, with a response date set for May 23, 2005.

Applicants failure to pay the issue and publication fees of \$1,000.00, along with a fee of \$15.00 for five (5) advance order copies, on or before May 23, 2005, was due to an oversight by Applicants.

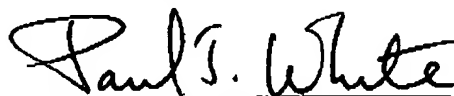
The undersigned declares that all statements made herein are true and correct, and that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Applicants authorizes the USPTO to charge the publication fee, issue fee, advance order copies fee and petition fee in the amount of \$1,765.00 to Applicant's Deposit Account No. 14-0460.

Statement of Unintentional Delay
SN 09/748,690
Page 2

Thus, to facilitate resolving this matter, Applicants, respectfully request the granting of this Petition and to accept the delayed payment for the reasons stated above.

Respectfully submitted,

A handwritten signature in black ink, reading "Paul J. White". The signature is written in a cursive style with a horizontal line underneath the name.

Paul J. White, Reg. No. 30,436
Attorney for Applicants

Dated: June 22, 2005.